

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

David T. Kenney, Executor
of the Estate of Liko Kenney

v.

Case No. 10-cv-181-PB

Gregory Willis Floyd, et al.

O R D E R

Defendants seek to have plaintiff's claims against them dismissed to the extent that they are based on a January 26, 2003 interaction between Liko Kenney and defendant Bruce McKay. This claim is obviously barred by the statute of limitations for the reasons stated in the defendants' motion.

Defendants' failure to submit a supporting memorandum did not prejudice the plaintiff and the failure to file such a memorandum does not limit the court's power to dismiss a plainly defective claim.

Defendants' partial motion to dismiss (Doc. No. 23) is granted.

SO ORDERED.

/s/Paul Barbadoro
Paul Barbadoro
United States District Judge

May 5, 2011

cc: Charles F.A. O'Leary, Esq.
Harold Burbank, Esq.
Thomas R. Harlan, Esq.
Gregory W. Floyd, pro se
Daniel J. Mullen, Esq.